

REMARKS

In the June 14, 2005 Office Action, the claims 1, 2, 4, 5, 7, and 8 were objected to and claims 1-8 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the June 14, 2005 Office Action, Applicants have amended claims 1, 2, and 7, and have cancelled claims 4, 5, and 8 as indicated above. Thus, claims 1, 2, 3, 6, and 7 are pending, with claim 1 being the only independent claim. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Claim Objections

On page 2 of the Office Action, claims 1, 2, 4, 5, 7, and 8 were objected to due to typographical or form errors. In response, Applicants have amended claims 1, 2, and 7, and cancelled claims 4, 5, and 8.

Specifically, claim 1 was amended to recite -- between -- in lines 4 and 9 as suggested. Further, Applicants have deleted the recitations of R1 and R2 in claims 2 and 7.

Applicants believe that the claims are now correct. Withdrawal of the objections is respectfully requested.

Rejections - 35 U.S.C. § 102 and 103

On page 2 and 3 of the Office Action, claims 1-3 and 6 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,951,467 (Walsh et al.). In response, Applicants have amended independent claim 1 to recite that the ratio of the first radius divided by the second radius is less than or equal to 0.9, which is similar to the limitations of

original claim 8, which was rejected under 35 U.S.C. §103(a) as being obvious in view of Walsh et al.

Assuming that the drawings of Walsh et al. are drawn to scale, Walsh et al. disclose a first to second radius ratio of approximately 0.95. Further, since the invention of Walsh et al. is directed to a front cover having grooves, one skilled in the art would not be motivated to modify this structure. As stated on page 3 of the Office Action, Walsh et al. do not specifically teach that the ratio of the first radius to the second radius is 0.9. In addition, Applicants respectfully assert that it is apparent Walsh et al. do not disclose a ratio of 0.9 or less as recited by amended claim 1. Moreover, it is stated in the Office Action that such a feature, i.e. the ratio being 0.9, is obvious in view of Walsh et al. because “applicant has not disclosed that having [a] ratio of the first radius to the second radius equal to 0.9 solves any stated problem or is for any particular purpose above the fact that the claimed dimension is a preferred embodiment..., it would have been an obvious matter of design choice to modify the torque converter of Walsh et al.” Applicants respectfully disagree with this assertion.

Specifically, the dimensional relationships as claimed, as well as the structural limitations as claimed, are particularly suited for application of the torque converter of the present invention to realize an improved capacity coefficient at high-speed ratios.

More specifically, it is well settled in U.S. patent law that Applicants are not required to show a solution to a stated problem or particular purpose for individual claim features in order to avoid obviousness rejections. Rather, the burden is on the U.S. Patent Office to establish a prima facie case of obviousness based upon the prior art. This burden can be met only by showing objective teachings in the prior art, and by showing some suggestion or motivation in the prior art to combine the objective teachings to result in the claimed invention. *In re Fritch*, 23 USPQ 2d 1780, 1783 (Fed. Cir. 1992), *In re Fine*, 837 F.2d 1071,

1074, 5 USPQ 2d 1596, 1598 (Fed. Cir. 1988), and *In re Deuel*, 34 USPQ 2d 1210, 1214 (Fed. Cir. 1995). In this case, the prior art fails to teach, or to suggest the dimensional relationships required by amended claim 1 of the present application. Thus, in this case, Applicants respectfully assert that the burden for a case of obviousness has not been met.

Clearly this arrangement is *not* disclosed or suggested by the Walsh et al. patent or any other prior art of record. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art *suggests* the desirability of the modification. Accordingly, the prior art of record lacks any suggestion or expectation of success for combining the patents to create the Applicants' unique arrangement of torque converter.

Moreover, Applicants believe that the dependent claim is also allowable over the prior art of record in that they depend from independent claim 1, and therefore is allowable for the reasons stated above. Also, the dependent claim is further allowable because it includes additional limitations. Thus, Applicants believe that since the prior art of record does not disclose or suggest the invention as set forth in independent claim 1, the prior art of record also fails to disclose or suggest the invention as set forth in the dependent claim.

Therefore, Applicants respectfully request that this rejection be withdrawn in view of the above comments and amendments.

Prior Art Citation

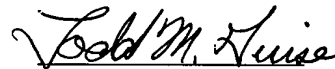
In the Office Action, additional prior art references were made of record. Applicants believe that these references do not render the claimed invention obvious.

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Appl. No. 10/731,006
Amendment dated August 5, 2005
Reply to Office Action of June 14, 2005

In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1, 2, 3, 6, and 7 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,


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